

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.784 of 2019

In
Civil Writ Jurisdiction Case No.7123 of 2019

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Nishant Kumar S/o Sri Nandlal Singh Res. of Vill.- and P.O.- Kesawe, P.S.-
Barauni, Distt.- Begusarai.

... .. Appellant/s

Versus

1. Union of India through the D.G., CRPF, C.G.O. Complex, New Delhi
2. The Central Vigilance Commissioner New Delhi
3. The I. G. CRPF, Bihar Sector, Digha Patna
4. The D.I.G. CRPF Group Centre, Muzaffarpur
5. The D.I.G. (Administration) CRPF, Bihar Sector, Patna
6. The Commandant 190 Battalion CRPF, Chatra, Jharkhand
7. The Sencond In Commandant (21C) 190 Battalion CRPF, Chatra
8. The Deputy Commandant 190 Battalion CRPF, Chatra, Jharkhand

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate Mr. Sarva Deo Singh, Advocate
For the Respondent/s	:	Mr. S.D.Sanjay, AD SG Ms. Punam Kumari Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 11-07-2022 Heard learned counsels for the parties.

2. In the instant petition, appellant has assailed the order
of the learned Single Judge dated 29.04.2019 passed in C.W.J.C
No. 7123 of 2019.

3. Appellant grievance before the learned Single Judge
is as under:

*“The petitioner has been compulsorily
retired from the post of Constable. He has approached*



this Court for a direction to have the allegations levelled by him investigated by any impartial agency.”

4. The learned Single Judge has rejected the petitioner’s petition as under:

“This Court would have imposed cost on the petitioner for coming up with such frivolous/vague petition but taking into account that he is no longer in service, no order is being passed on cost.

The petition, being meritless, is dismissed.”

5. Learned counsel for the appellant submitted that he had made number of complaints before the authorities against his superiors, there was no action. Thus, he had preferred petition.

6. Perusal on Annexure – 8, we find some material which was relied on by the appellant insofar as investigation by the concerned/competent authority against appellant’s superiors, however, material in Annexure – 8 is insufficient so also such complaint is not before the second respondent – Central Vigilance Commissioner, New Delhi. Therefore, learned Single Judge has erred in not noticing the contents of Annexure – 8 and inaction on the part of the respondent. Therefore, we find that appellant has made out a *prima facie* case so as to interfere with the learned Single Judge order dated 29.04.2019 passed in C.W.J.C. No. 7123 of 2019. Accordingly, it is set aside and appeal stands allowed in part.



7. The appellant is hereby directed to furnish detailed representation to Central Vigilance Commissioner, New Delhi – respondent No. 2 along with material information. If the appellant has any video clipping or such other material, in that event, he is hereby directed to furnish in the form of CD/Pen Drive. If the vigilance authority feels that some assistance of the appellant is warranted, in that event before taking any further action by the Central Vigilance Commissioner, New Delhi, the appellant may be summoned for assisting in the investigation.

8. The appellant is permitted to furnish fresh petition along with material information within a period of eight weeks from today. On receipt of appellant's representation/complaint, Central Vigilance Commissioner – respondent No. 2 is hereby directed to take a decision and communicate to the appellant within a period of six months from the date of receipt of the appellant's complaint/representation along with material information.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

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